IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.701 OF 2006

IN

WRIT PETITION NO.2986 OF 1999

Dr.Chouthmal Valchand Shri.
Simandhar Swami Jain Derasar
Trust & Ors. ..Petitioners

Vs.

Brihanmumbai Municipal
Corporation & Ors. ..Respondents

Mr.G.V.Murti for Petitioners
Mr.V.Mahadik for B.M.C.

CORAM: DR.S.RADHAKRISHNAN AND
SMT.V.K.TAHILRAMANI,JJ.

DATE : NOVEMBER 30, 2006

P.C.

1. Mentioned. Not on board.

2. Heard the learned counsel for the Petitioners and the learned counsel for the Respondent-B.M.C. Perused the affidavit in support of Notice of Motion. Petitioners are seeking recall of our order dated 27.11.2006 whereby the above petition was dismissed in default. For the reasons stated in the affidavit in support of the Notice of

Motion, sufficient cause has been made out. There is no case of inaction, negligence or want of bonafide. Hence, Notice of Motion is made absolute in terms of prayer clause (a).

3. Place the above Writ Petition for final hearing on 12.12.2006.

[DR.S.RADHAKRISHNAN, J.]

[SMT.V.K.TAHILRAMANI,J.]